

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THOMAS FERKLER and	:	CIVIL ACTION
EILEEN FERKLER, H/W	:	
v.	:	
	:	
STATE FARM FIRE AND CASUALTY	:	NO. 02-4720
COMPANY	:	

ORDER

AND NOW, this 20th day of November, 2002, upon consideration of Defendant State Farm Fire & Casualty Company's Motion to Dismiss Count II (bad faith) of Plaintiffs' complaint, (Doc.# 2), and Plaintiff's response thereto, (Doc.# 12), it is hereby ORDERED that said motion is DENIED. The plaintiff's complaint adequately alleges a violation of the bad faith statute. None of the cases cited on pages 3 and 4 of the defendant's brief was decided at the motion to dismiss stage. Defendant's arguments are premature.

MARY A McLAUGHLIN, J.